

FILED

MAR 14 2008

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA )

v. )

TAWAINE MCULLOUGH )

CR. NO. 2:08CR58-MHT  
[18 USC 922(g)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

On or about February 22, 2008, in Montgomery County, within the Middle District of Alabama,

TAWAINE MCCULLOUGH,

defendant herein, having been convicted of the following felony offenses, crimes punishable by imprisonment for a term exceeding one year under the laws of the State of Alabama, to-wit: June 18, 2001, Robbery 1<sup>st</sup> (two counts), case number CC 2001 000605, in the Circuit Court of Montgomery County, Alabama, did knowingly possess in and affecting commerce a firearm, to-wit: a Taurus, Model Millennium Pro PT145, .45 caliber pistol, a better description of which is unknown to the grand jury, in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION

A. Count 1 of this indictment is hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 922(g)(1), as alleged in Count 1 of this indictment the defendant,

TAWAINE MCCULLOUGH,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924, and Title 28,

United States Code, Section 2461(c), all firearms and ammunition involved in the commission of these offenses, including but not limited to the following:

a Taurus, Model Millennium Pro PT145, .45 caliber pistol, a better description of which is unknown to the grand jury.

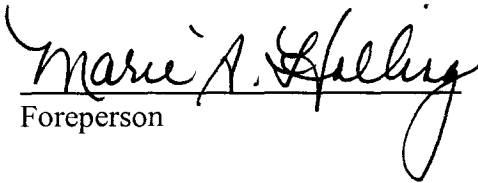
C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:


- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred, sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or,
- (5) has been commingled with other property which cannot be divided without

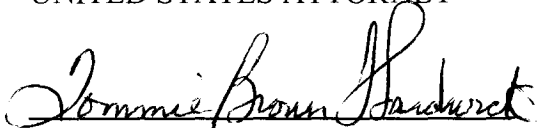
difficulty; the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the property described above.

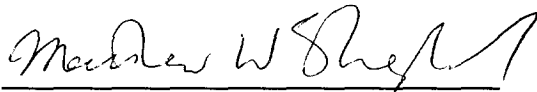
All in violation of Title 18, United States Code, Section 922.

A TRUE BILL:

  
Foreperson

  
LEURA G. CANARY  
UNITED STATES ATTORNEY

  
Tommie Brown Hardwick  
Assistant United States Attorney

  
Matthew W. Shepherd  
Assistant United States Attorney